

REMARKS/ARGUMENTS

The following remarks are believed responsive to the points raised by the Office Action dated December 28, 2004. In view of the following remarks, reconsideration is respectfully requested.

Information Disclosure Statement

An Information Disclosure Statement, including a PTO-1449 Form, is submitted herewith, along with the appropriate fee. It is respectfully requested that the Examiner place his initials in the appropriate area of the Form, thereby indicating his consideration of the documents, and return the initialed Form to Applicant.

The Pending Claims

Claims 1-18 remain pending.

The Office Action

Claims 1-18 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,708,603 to Li-Chen (hereinafter referred to as "Li-Chen"). This rejection is respectfully traversed.

The instant application is a continuation-in-part ("CIP") of application number 10/434,066, filed on May 9, 2003 ("the parent application"). Li-Chen was filed on June 30, 2003, which is almost two months after the filing date of the parent application. Claim 1, the only independent claim in the instant application, is entitled to the benefit of the parent application's earlier filing date of May 9, 2003, because every element of the claim finds support in the parent application. Because the instant claims are entitled to the earlier priority date of the parent application, Li-Chen does not qualify as prior art under 35 U.S.C. § 102 and cannot be applied against the presently pending claims.

Independent claim 1 is directed to a cooking appliance comprising, *inter alia*, a container for containing a cooking liquid, an electrical heating element for heating cooking liquid in the container, and a drive mechanism for rotating the food receptacle about the axis. Support for these elements may be found in the parent application at, e.g., page 9, lines 11-16; page 9, lines 16-18; and page 13, lines 6-9, respectively. Part of the claimed receptacle

passes through the cooking liquid in the container upon rotation of the receptacle, and this limitation finds also support in the parent application at, e.g., page 9, lines 14-16.

Independent claim 1 also recites a perforated food receptacle comprising first and second adjacent baskets that are supported in the container for unitary rotation about a substantially horizontal axis. The claimed baskets are openable from a closed food-containing configuration to enable insertion and removal of food pieces. The parent application provides support for first and second adjacent baskets (220A and 230A) that are supported for rotation and that are openable as claimed at, e.g., page 12, lines 11-22 and in Figure 7. In Figure 7, 230A is shown as shaped in a wavy manner into a receptacle or basket that easily contains food items. The claim does not limit the adjacent baskets to any particular size; it merely requires that they supported for unitary rotation and that they be openable from a closed food-containing configuration, as presently claimed and as clearly supported in the parent application. Thus, the parent application provides support for all of the limitations of independent claim 1.

With regard to dependent claim 4, the Applicant notes that this claim is also supported in the parent application at, e.g., page 9, line 20 to page 11, line 17, and is therefore also entitled to the benefit of the parent application's earlier filing date.

Because each element of claims 1 and 4 finds support in the parent application, claims 1 and 4 are entitled to the benefit of the parent application's earlier filing date of May 9, 2003. Since Li-Chen has a filing date of June 30, 2003, it cannot be applied as prior art under 35 U.S.C. § 102 against the present application.

Furthermore, for a reference to anticipate a claim, each and every element of the claims must be found in the reference. The Applicant further notes that elements of several presently pending claims are not disclosed in Li-Chen.

With regard to claim 1, there is no disclosure in Li-Chen of a cooking appliance comprising an electrical heating element for heating cooking liquid in the container, as claimed in claim 1. In view of the disclosure in the Background section of Li-Chen that before the food is fried, the pot is full of cooking oil and then the cooking oil is heated (col. 1, ll. 15-17), in addition to the lack of disclosure of an electrical heating element, Li-Chen seems to disclose a frying pot that may be placed on a stove for heating. This is in contrast to the claimed cooking appliance that includes an electrical heating element as part of the appliance (see, e.g., 140 in Figure 2).

Claim 3 is further directed to, *inter alia*, a lid attached hingedly to the base and wherein one of the baskets is attached to the lid and lifts away from the other basket when the lid is opened. There is no disclosure in Li-Chen of a basket that is attached to a lid, as claimed.

Claim 4 is directed to a cooking appliance further comprising, *inter alia*, a wall including a plurality of traps for trapping and carrying the food articles out of the cooking liquid upon rotation of the receptacle and then allowing the food articles to fall back down upon further rotation of the receptacle. Claim 5 is directed to a cooking appliance further comprising, *inter alia*, wherein one of the baskets has a drainage wall that is spaced sufficiently close to the axis so as not to be immersed in the cooking liquid at a selected angular/drainage orientation of the food receptacle (223 in Figure 3). In Li-Chen, there is no disclosure of a wall with traps for trapping and carrying food articles out of cooking liquid, nor is there any disclosure of a drainage wall as claimed in claim 5. In contrast to claims 4 and 5, the frying screen 2 of Li-Chen is depicted as a smooth cylinder without any such traps or a drainage wall (Li-Chen, Figures 1-5).

Because Li-Chen is not prior art, and since it does not disclose all of the elements of claims 1 and 3-5, Li-Chen does not anticipate the presently pending claims, and the rejection under § 102 cannot be maintained.

Conclusion

In view of the remarks recited herein, the application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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